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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. **2011-677**

12 **ROBERT EDWARD DRIVER**
13 **929 E. Myrtle Street**
Hanford, CA 93230
14 **Registered Nurse License No. 745575**

A C C U S A T I O N

15 Respondent.

16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
19 official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),
20 Department of Consumer Affairs.

21 **Registered Nurse License**

22 2. On or about February 18, 2009, the Board issued Registered Nurse License Number
23 745575 to Robert Edward Driver ("Respondent"). The registered nurse license was in full force
24 and effect at all times relevant to the charges brought herein and will expire on April 30, 2012,
25 unless renewed.

26 **STATUTORY PROVISIONS**

27 3. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent
28 part, that the Board may discipline any licensee, including a licensee holding a temporary or an

1 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the
2 Nursing Practice Act.

3 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not
4 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
5 to render a decision imposing discipline on the license. Under Code section 2811, subdivision
6 (b), the Board may renew an expired license at any time within eight years after the expiration.

7 5. Code section 2761 states, in pertinent part:

8 The board may take disciplinary action against a certified or licensed
9 nurse or deny an application for a certificate or license for any of the following:

10 (f) Conviction of a felony or of any offense substantially related to the
11 qualifications, functions, and duties of a registered nurse, in which event the record of
12 the conviction shall be conclusive evidence thereof.

12 **COST RECOVERY**

13 6. Code section 125.3 provides, in pertinent part, that the Board may request the
14 administrative law judge to direct a licensee found to have committed a violation or violations of
15 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
16 enforcement of the case.

17 **CAUSE FOR DISCIPLINE**

18 **(Criminal Conviction)**

19 7. Respondent is subject to discipline pursuant to Code section 2761, subdivision (f), in
20 that on December 29, 2009, in the Superior Court, County of Kings, California, in that matter
21 entitled *People vs. Robert Edward Driver*, (2009), Case No. 09CM1907, Respondent was
22 convicted by the court following his plea of no contest to a violation of Penal Code section 278.5,
23 subdivision (a) (did take, entice away, keep, withhold and conceal Tiffany C., a child, and did
24 maliciously deprive a lawful custodian of a right to custody, and a person to a right of visitation),
25 a felony. The circumstances of the crime are that between January 1, 2009, and June 12, 2009,
26 Respondent concealed Tiffany C., who was 17 years old at the time, from her mother by renting
27 an RV space in Tulare, California for Respondent's son and Tiffany C. to live. Further,
28 Respondent took Tiffany C., along with his son, to Florida so the couple could get married

without the knowledge or consent of Tiffany C's parent. Such conduct is substantially related to the qualifications, functions, and duties of registered nurse.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 745575, issued to Robert Edward Driver;
2. Ordering Robert Edward Driver to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,
3. Taking such other and further action as deemed necessary and proper.

DATED: _____

2/1/11

Louise R. Bailey
LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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